

REMARKS

Claims 1-20 and 25-32 are pending in the application. Claims 1-9, 11-18, 20, and 25-32 have been rejected, and claims 10 and 19 have been objected to.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-9 and 11-18 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for being in plural form. The Office Action states that claims must be in singular form. In response, Applicants have amended the claims to be in singular form. Applicants thus request that this rejection be withdrawn.

Claims 25-32 were rejected under 35 U.S.C. § 112, second paragraph as being incomplete for omitting essential steps. Claims 25-32 have been canceled herein, without prejudice, thus rendering this rejection moot.

Rejection under 35 U.S.C. § 102(e)

Claims 1-7, 11-14, 20, and 25-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by WO 03/031456, which the Office Action states discloses and claims ortho-bis(1-phospholanyl)heteroarenes useful as a ligand in transition metal catalyst.

In response, Applicants note that the earliest effective date of WO 03/031456 under 35 U.S.C. § 102(e) is the international filing date, October 2, 2002. The present application claims priority to Italian application MI2002A000415, filed March 1, 2002. As is shown in the enclosed sworn translation, the Italian application clearly shows that the ortho-bis-(1-phospholanyl)heteroarenes and catalyst thereof as claimed in claims 1-7, 11-14, 20, and 25-32 of

the present application were already clearly disclosed and claimed in the Italian application (see example 3, page 18, and claims 1 and 6) and that the ligands and the catalysts cited in WO03/031456 claims 9-13, examples 11-13, 18, and 19 were already disclosed by the present Applicants. (The accompanying translation is a print out of a PDF copy; the original sworn translation will follow in a separate transmission.)

In view of the foregoing, WO 03/031456, filed on October 2, 2002, after the effective filing date of the instant application, March 1, 2002, cannot constitute a 35 U.S.C. § 102(e) reference against the claims of the present application. Applicants thus request that this rejection be withdrawn.

CONCLUSION

Applicants submit that the claims are in condition for allowance and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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